

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

MARK KINKEAD,)	
)	
PLAINTIFF,)	
)	
vs.)	CASE No. 08-CV-562-JHP-FHM
)	
TERRY DURBOROW, et al.,)	
)	
DEFENDANTS.)	

OPINION AND ORDER

The following discovery motions, pleadings and correspondence requesting the issuance of subpoenas are before the court for decision: Dkts. 101, 105, 106, 114, 116, 117, 118, 120, 121, 122, 124, 123, 125, 126, 128, 129, 130 and 134.

Defendants seek Plaintiff's medical, psychological, and counseling records. Plaintiff generally seeks extensive information regarding other incidents at the jails, other inmates at the jails, all suits against the jails, and criminal prosecution records relating to other individuals.

The Court previously ordered the filing of a special report [Dkt. 18] which contemplated the filing of dispositive motions by Defendants. Subsequently, some discovery was permitted, but the Court did not intend for general merits discovery to occur prior to a ruling on the dispositive motions. If the case proceeds after the ruling on the dispositive motions, discovery can proceed on the remaining issues.

Extension of time to file motions for summary judgment have been granted based upon Defendants' assertions that Plaintiffs' medical and psychological records are needed. Having reviewed Defendants' Motion for Release of Medical, Psychological and Counseling Records of Plaintiff Mark Kinhead [Dkt. 101], the Court is not

persuaded that the information sought is necessary to enable Defendants to file their motion for summary judgment.

The Court, therefore, denies all of the pending discovery motions, pleadings, and correspondence requesting the issuance of subpoenas [Dkts. 101, 105, 106, 114, 116, 117, 118, 120, 121, 122, 124, 123, 125, 126, 128, 129, 130 and 134]. This ruling is without prejudice to the assertion of those issues after the Court rules on Defendants' dispositive motions.

SO ORDERED this 29th day of September, 2010.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE